

## Message Text

SECRET

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ACTION EA-06

INFO OCT-01 SS-14 ISO-00 NSC-05 NSCE-00 PM-03 L-01 SP-02

CIAE-00 ACDA-10 OMB-01 INR-05 EAE-00 PRS-01 SAM-01

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P 301054Z JUL 76

FM AMEMBASSY MANILA

TO SECSTATE WASHDC PRIORITY 8210

SECDEF WASHDC PRIORITY

JCS WASHDC PRIORITY

CINCPAC HONOLULU PRIORITY

CINCPACFLT PRIORITY

CINCPACAF PRIORITY

CINCPACREPPHIL SUBIC PRIORITY

S E C R E T SECTION 1 OF 2 MANILA 11299

LIMDIS

E.O. 11652: GDS

TAGS: MARR, RP

SUBJECT: MUTUAL DEFENSE TREATY - REED BANK

REF: MANILA 11209

PROVIDED BELOW, AS PROMISED IN REFTEL, IS THAT PORTION OF THE  
JULY 3 NEGOTIATING SESSION IN WHICH THE MUTUAL DEFENSE  
TREATY AND THE REED BANK WERE DISCUSSED:

QUOTE: AMB. ROMUALDEZ: "MR. AMBASSADOR, WE WOULD LIKE TO  
TAKE UP THIS MORNING IF WE MAY, AN ASPECT THAT IS OF  
INFLUENCE TO ARTICLE XIX. WE ARE WRESTLING WITH A NUMBER OF  
CIRCUMSTANCES...THERE IS A SERIOUS CONTINGENCY WHICH FACES  
US. THIS OF COURSE REFERS TO THE REED BANK OFF THE COAST OF  
PALAWAN. IN MODERNIZING OUR ARMED FORCES WE WOULD LIKE TO  
BE GUIDED BY CERTAIN FACTORS AND WE HAVE THIS PARTICULAR  
CONTINGENCY IN MIND. AS TO WHAT RESPONSE THE UNITED STATES  
WOULD HAVE IN THE EVENT OF AN EMERGENCY IN THAT

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PARTICULAR AREA. WE ARE CONSCIOUS OF YOUR CONSTITUTIONAL PRO-

CESS, WE ARE VERY CONSCIOUS OF THE LANGUAGE CONTAINED IN THE MUTUAL DEFENSE TREATY. I WAS WONDERING WHETHER YOU OR YOUR OFFICE WOULD HAVE ANY THOUGHTS WITH RESPECT TO, PERHAPS, A RECOMMENDATORY BASIS TO YOUR GOVERNMENT IN THE EVENT THAT ONE OF THESE PROBLEMS COULD FACE US IN THE CASE OF REED BANK WHICH, IN OUR OPINION, THREATEN THIS PART OF THE CONTINENTAL SHELF."

AMB. SULLIVAN - "MR. AMBASSADOR, I HAVE DISCUSSED THIS SEVERAL TIMES WITH THE MOST SENIOR OFFICIALS OF YOUR GOVERNMENT, AND I THINK THAT YOUR GOVERNMENT IS AWARE THAT WE HAVE DIFFERING INTERPRETATIONS ON THE TERRITORIAL STATUS OF THE SPRATLY ISLANDS, REED BANK, AND THAT AREA ON THE OTHER SIDE OF THE PALAWAN TRENCH. THIS DERIVES FROM OUR EXPERIENCE DURING THE PERIOD WHEN WE EXERCISED SOVEREIGNTY IN THIS AREA AND OUR DEFINITION OF WHERE WE CONSIDER THE SOVEREIGN TERRITORY OF THE PHILIPPINES TO END. THE SECOND DIFFERENCE DERIVES FROM THE INTERPRETATION OF CONTINENTAL SHELF, BECAUSE WE CONSIDER THAT THE PALAWAN TRENCH IS A DEROGATION FROM THE CONTINUITY OF THE CONTINENTAL SHELF. CONSEQUENTLY, WHILE WE KNOW AND ACKNOWLEDGE THAT THERE IS A PHILIPPINE CLAIM TO THE REED BANK AREA, WE ALSO ACKNOWLEDGE THAT THERE ARE OTHER CLAIMS TO THE AREA AND, THEREFORE, WE CONSIDER IT DISPUTED TERRITORY, AND I'VE SAID THAT CONSISTENTLY. THIS, OF COURSE, RULES THE WAY IN WHICH WE WOULD APPROACH THE MATTER. WE WILL DO ABSOLUTELY NOTHING TO IN ANY WAY DIMINISH YOUR CLAIM. OUR PREFERRED COURSE, AS WE HAVE STATED CONSISTENTLY, IS THAT THE CLAIMS BE RESOLVED BY SOME PEACEFUL DISCUSSION AMONG THE VARIOUS CLAIMANTS. IT DOES NOT APPEAR THAT THAT IS A VERY LIKELY CONTINGENCY FOR THE FUTURE. SO WE DO START FROM A DIFFERENT PREMISE IN ADDRESSING THOSE QUESTIONS."

SEC INGLES - (STATEMENT INDICATING PHIL CLAIMS BASES ON GENEVA CONVENTION OF 1958.)

AMBASSADOR SULLIVAN - "WE UNDERSTAND THE BASIS FOR YOUR CLAIM. I THINK IT HAS BEEN LAID OUT VERY CAREFULLY AND PARTICULARLY IN YOUR DEFINITIONS OF RES NULLIUS. WE ALSO HAVE PERPETUALLY MADE CLEAR THAT INTERNATIONALLY IT IS RE-  
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GARDED AS A DISPUTED TERRITORY. WE SAY PUBLICLY, WHERE WE CAN, NOTHING ABOUT IT BECAUSE WE DON'T WANT, IN ANY WAY, TO PREJUDICE YOUR CLAIM TO THE AREA. OUR PREFERENCE IS THAT THIS BE PURSUED ; IF YOU CAN ACHIEVE AN INTER-

NATIONAL AGREEMENT WITH THE OTHER CONTENDERS, THAT WOULD BE THE IDEAL. WHEN WE TRY TO DEAL WITH THE SECURITY OF THE PHILIPPINES, WE OBVIOUSLY RECOGNIE YOUR INTEREST IN

SEEING THAT THERE IS NO HOSTILE FORCE IN OCCUPATION OF  
THAT TERRITORY."

AMBASSADOR ROMUALDEZ - "WE ASKED THIS BECAUSE WE KNOW THAT  
AS THE ECONOMIC ACTIVITY OR ECONOMIC POTENTIAL OF THAT PLACE  
BECOMES MORE PRONOUNCED, THE GREATER THE TENDENCY OF  
EMERGENCY IN THAT AREA. WHAT I MEAN IS THAT, IF THE AREA  
DOES YIELD WHAT IT'S SUPPOSED TO YIELD, NATURALLY, THE  
EYES OF THOSE WHO ARE NOT SO WELL INTENTIONED WILL GET  
BIGGER. IF I UNDERSTAND IT CORRECTLY, THEREFORE, IT IS THE  
OFFICIAL POSITION AS STATED BY YOU, THAT THE US SEES THESE  
TERRITORIES AS DISPUTED TERRITORIES. THAT IT IS OF COURSE  
NOT DOING ANYTHING TO TAKE SIDES IN THE MATTER, WHETHER  
PHILIPPINE OR WHATEVER COUNTRY THAT MIGHT STAKE A CLAIM."

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SECDEF WASHDC PRIORITY

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CINCPACREPPHIL SUBIC PRIORITY

S E C R E T SECTION 2 OF 2 MANILA 11299

LIMDIS

AMB.SULLIVAN - "AS WE UNDERSTAND YOUR POSITION -- YOU ARE  
PREPARED TO HAVE DISCUSSIONS ON THE MATTER NOT ONLY WITH  
THE CHINESE BUT WITH THE VIETNAMESE AS WELL. I ASSUME THAT

THOSE DISCUSSIONS WOULD BE DIRECTED TOWARD THE PEACEFUL RESOLUTION OF THE DISPUTE AND, CONSIDERING THE PHILIPPINE CLAIM, THAT THEY WOULD TRY TO RESOLVE THAT CLAIM IN YOUR FAVOR. THIS, AS I SAY, IS SOMETHING THAT WE IN NO WAY WISH TO PREJUDICE AND IN NO WAY WISH TO PUBLICIZE ANY EXCHANGES THAT WE MIGHT HAVE WITH YOU ON THIS.--(4-5 INDISTINCT WORDS)...WISH TO HAVE NO PREJUDICIAL EFFECT IN YOUR EFFORT TO PURSUE THESE DISCUSSIONS."

AMB. ROMUALDEZ - "AS YOU CAN SEE MR. AMBASSADOR, THIS REALLY SORT OF IS ONE OF THE FACTORS WE MUST CONSIDER IN ARTICLE XIX."

INGLES - (ASKED ABOUT ISLANDS LEFT IN CARETAKER STATUS AFTER WORLD WAR II AND HOW THAT INVOLVED RENUNCIATION OF SECRET

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SOVEREIGNTY.)

AMB. SULLIVAN - (REPLIED DESCRIBING CARETAKER ARRANGEMENTS AT OKINAWA NOTING THAT THERE WERE NO SUCH ARRANGEMENTS ON THE SPRATLYS WHICH WERE LEFT IN LIMBO AS DISPUTED TERRITORIES.)

SENATOR PELAEZ - "IN THE EVENT THAT AN UNFRIENDLY COUNTRY OCCUPIED THESE (INDISTINCT) WHAT WOULD BE THE POSITION OF THE U.S. IN REGARD TO THE BASES? WOULD THE US NOT REGARD THIS AS A THREAT TO THE BASES,"

AMB. SULLIVAN - "COUNTRIES THAT ARE NOT PARTICULARLY FRIENDLY TO THE US OCCUPY SOME OF THOSE ISLANDS NOW. VIETNAMESE TROOPS ARE IN CONTROL OF ISLANDS WHICH ARE ONLY 3-4 MILES FROM PAGASA. THE ISLANDS THAT THEY--THEY ARE NOT REALLY ISLANDS, THEY ARE REEF--THEY ARE IN CONTROL OF ARE OF SUCH LIMITED MILITARY VALUE THAT THEY HAVE VERY LITTLE IN THE WAY OF A THREAT TO US EITHER TO OUR PRESENCE OR OUR BASES OR TO THE PHILIPPINES IN A MILITARY SENSE. I THINK AMB. ROMUALDEZ PUT HIS FINGER ON IT, THAT THE ISSUE IS THE ECONOMIC POTENTIAL THAT MAY BE THERE IF THERE ARE PETROLEUM RESOURCES IN THAT AREA. THIS WOULD BE THE ATTRACTIVE NUISANCE THAT MIGHT CAUSE MUCH GREATER CONFRONTATIONS THERE. THE OCCUPATION OF THE ISLANDS THEMSELVES --I GUESS YOU HAVE THE BIGGEST ONE --THE ONE WHERE YOU HAVE YOUR AIRSTRIP..."

SENATOR PELAEZ - "THE REED BANK HOWEVER, IS NOT SO MUCH... IS NOT IN THE SPRATLYS."

AMB. SULLIVAN - "WELL, THAT DEPENDS ON WHO DEFINES THE SPRATLY."

GEN ESPINO -.."THAT IS A DIFFERENT GROUP

AMB SULLIVAN - "THE CHINESE SAY IT IS NAN SHAN AND HAS  
BEEN THEIRS SINCE 1412."

AMB. ROMUALDEZ - "WHAT IS THE DISTANCE? HOW MANY MILES  
ARE THERE?" (INDISTINCT GROUP COMMENTS)

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AMB. SULLIVAN - "I DON'T THINK THERE IS ANYTHING IN THE  
REED BANK THAT COULD SUSTAIN...AT HIGH TIDE IT IS ALL  
UNDER WATER."

GEN. ESPINO - YES, ALL UNDER WATER."

SEN. PELAEZ - "THE IMPORTANT THING IS THAT THE PHILIPPINE  
SIDE CONSIDERS THAT THIS IS A POSSIBLE AREA"--(TAPE  
ENDS) (10-15 SECOND PERIOD TO TURN OVER TAPE.)

AMB. WULLIVAN - (NEW TAPE) (DESCRIPTION OF NAVAL AND AIR  
ASSISTANCE PROVIDED THE PHILIPPINES BY THE US OVER THE PAST  
YEAR.) END QUOTE  
SULLIVAN

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